

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROMEL DAVIS-HUSSUNG,
Plaintiff,

v.

Civil Action No.: 14-14964
Honorable Bernard A. Friedman
Magistrate Judge Elizabeth A. Stafford

JEFFREY LEWIS, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL [R. 34]

Plaintiff Romel Davis-Hussung moves to compel certain discovery from Defendants in this case, including handbooks, policy directives and his own disciplinary records. Defendants respond that they never received a discovery request for these items, which appears to be true since Davis-Hussung's motion states that he presently "submits a written request for these documents." [R. 34, PgID 202].

The Federal Rules of Civil Procedure permit parties to request discovery from one another, and to only file a motion with the court to compel discovery if the request were not satisfied. Fed. R. Civ. P. 26-37. A motion to compel is not timely until a discovery request has been tendered in accordance with those rules and that request has either (1) has not been responded to despite the passing of the deadline for response; or

(2) responded to in a way that leads the requesting party to believe the response is insufficient. Rule 37. Since it appears that Davis-Hussung has not properly requested the discovery at issue from Defendants, his motion to compel [R. 34] is **DENIED** as premature. *Blasi v. United Debt Servs. LLC*, 2014 U.S. Dist. LEXIS 122683, at *5-6, 2014 WL 4377806 (S.D. Ohio Sept. 3, 2014) (motion to compel premature where request for discovery not yet tendered). Davis must tender his discovery request upon Defendants themselves, not file his request with the Court.

IT IS SO ORDERED.

Dated: August 31, 2015
Detroit, Michigan

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

NOTICE TO THE PARTIES REGARDING OBJECTIONS

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S. C. §636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF

System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 31, 2015.

s/Marlana Williams
MARLENA WILLIAMS
Case Manager